



**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
TEOFIL BRANK,
Defendant.

Case No. 15-391M
ORDER OF DETENTION

I.

The Court conducted a detention hearing:

- On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving
- On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure

1 the defendant's appearance as required and the safety or any person or the
2 community [18 U.S.C. § 3142(e)(2)].

3 II.

4 The Court finds that no condition or combination of conditions will
5 reasonably assure: the appearance of the defendant as required.

6 the safety of any person or the community.

7 If presumption applies,

8 III.

9 The Court has considered: (a) the nature and circumstances of the offense(s)
10 charged, including whether the offense is a crime of violence, a Federal crime of
11 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
12 or destructive device; (b) the weight of evidence against the defendant; (c) the
13 history and characteristics of the defendant; and (d) the nature and seriousness of
14 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
15 considered all the evidence adduced at the hearing and the arguments, the

16

17

18

19

20

21

22

23

24

25

26

27

28

1 arguments of counsel, and the report and recommendation of the U.S. retrial
2 Services Agency.

3 IV.

4 The Court bases its conclusions on the following:

5 As to risk of non-appearance:

- 6 Lack of bail resources
- 7 Refusal to interview with Pretrial Services
- 8 No stable residence or employment
- 9 Previous failure to appear or violations of probation, parole, or
10 release
- 11 Ties to foreign countries
- 12 Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 13 Evidence in affidavit of large amounts of cash acquired from
14 crime, proof of interest in foreign currency and potential travel,
15 lack of candor with USPTS

16

17 As to danger to the community:

- 18 Nature of previous criminal convictions
- 19 Allegations in present charging document
- 20 Substance abuse – steroids and related behavior
- 21 Already in custody on state or federal offense
- 22 Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 23 Presence of weapon at public site of encounter

1 V.
2

- 3 The Court finds a serious risk that the defendant will
4 obstruct or attempt to obstruct justice.
5 threaten, injure or intimidate a prospective witness or juror, or
attempt to do so.

6 The Court bases its conclusions on the following:
7

8 VI.
9

10 IT IS THEREFORE ORDERED that the defendant be detained until trial.
11

12 The defendant will be committed to the custody of the Attorney General for
confinement in a corrections facility separate, to the extent practicable, from
persons awaiting or serving sentences or being held in custody pending appeal.

13 The defendant will be afforded reasonable opportunity for private consultation
with counsel. On order of a Court of the United States or on request of any
14 attorney for the Government, the person in charge of the corrections facility in
15 which defendant is confined will deliver the defendant to a United States Marshal
16 for the purpose of an appearance in connection with a court proceeding.
17

18 [18 U.S.C. § 3142(i)]

19 Dated: March 6, 2015



20 HON. MICHAEL R. WILNER
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28